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TC 1700

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

the Application of:

GEORGE E. ZAHR

APPLICATION NO.: 09/757,457

FILED: JANUARY 10, 2001

FOR: POLYAMIDE CHAIN EXTENSION PROCESS
AND FUNCTIONALIZED POLYAMIDES
PRODUCED THEREBY

CASE NO: QP5031 US NA

GROUP ART UNIT: 1712

EXAMINER: ANA WOODWARD

RESPONSE TO RESTRICTION REQUIREMENT/ELECTION OF SPECIES

Assistant Commissioner for Patents
Washington, D.C. 20231

COPY OF PAPER
ORIGINALLY FILED

Sir:

In the Restriction Requirement and Election of Species, mailed March 22, 2002, the Examiner required restriction between the invention of Group I, claims 1 - 11, drawn to a process of preparing a modified polyamide, and the invention of Group II, claims 12 - 18, drawn to a filament. Applicants hereby provisionally elect the invention of Group II, drawn to a filament, with claims 12 - 18 directed thereto.

The Examiner also states that claims 12 - 18 are generic to a plurality of disclosed patentably distinct species comprising the various materials defining the filament polymer. The election of an ultimate species of polymer is requested. This request is not completely understood. Applicants' undersigned Attorney believes that she has made a bona fide attempt to elect a species for the invention of claims 12 - 18 below, but if this is not what the Examiner wanted, Applicants' undersigned Attorney requests that the Examiner clarify her request.

For the polyamide repeating units of claim 13, Applicants elect the species where $k = 4$ or 10 , $m = 6$ or 12 , $n = 65 - 115$, $x = 5$ or 11 and $z = 120 - 240$. The R1 would include functionalized triamine units. The optionally functionalized chain extender moieties would be bis-N-acyl bislactam moieties. The chain extender moiety would be an isophthaloyl bis-

caprolactam moiety. The particular functional amine compound used depends on the product made - any one of a stain resistance agent, a branching agent or a dye site availability modifying agent, or mixtures thereof, may be used. If a stain resistance agent is used, it may be o-tolidine disulfonic sodium salt. If a branching agent compound is used, it may be bis(hexamethylene) triamine. If a dye site availability modifying agent is used, it may be 1,4-Bis (3-aminopropyl) piperazine.

As set forth in MPEP §821.04, where product and process claims drawn to independent and distinct inventions are presented in the same application, applicant may be called upon under 35 U.S.C. §121 to elect claims to either the product or the process. See MPEP §806.05(f) and §806.05(h). The claims to the nonelected invention will be withdrawn from further consideration under 37 CFR §1.142. See MPEP §802.02(c) and 821 through §821.03. However, if applicant elects claims directed to the product, and a product claim is subsequently found allowable, withdrawn process claims which depend from or otherwise include all the limitations of the allowable product claim will be rejoined.

In the present application, Applicants have been called upon to elect claims to either a product or a process. Applicants have elected the product and have asked that the claims to the process be withdrawn from further consideration. If a product claim is subsequently found allowable, Applicants request that the withdrawn process claims which may depend from or otherwise include all the limitations of the allowable product claim be rejoined.

Please charge the fee of \$110 for a one-month extension of time which is due in connection with the filing of this response to Deposit Account 04-1928 (E. I. du Pont de Nemours and Company). If this fee is incorrect, please debit or credit Deposit Account No. 04-1928. If a further extension of time is required, Applicants' undersigned attorney authorizes such further extension. Please charge any additional fees